



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

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NOVEMBER 18, 2005
FOR IMMEDIATE RELEASE

MONITEAU COUNTY ENTERS CONSENT DECREE ON VIOLATIONS OF CLEAN WATER ACT

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced a consent decree with Moniteau County, Mo., over violations of the Clean Water Act.

The consent decree, entered Thursday in U.S. District Court in Kansas City, settles the government's complaint alleging that Moniteau County violated the Clean Water Act by conducting in-stream gravel mining at a site on the Little Moniteau Creek and a portion of Splice Creek, and by placing turkey crates filled with rock into a portion of Splice Creek for the purpose of bank stabilization, all without a permit from the U.S. Army Corps of Engineers.

"This consent decree is a positive development for all parties involved," Graves said. "There is no monetary penalty, but there are significant provisions that resolve our environmental concerns. The consent decree provides Moniteau County a framework for a cooperative relationship with the Corps of Engineers Regulatory Program and institutes a training program for county employees to prevent future violations. It also provides for appropriate mitigation for the past work."

Mark Frazier, Regulatory Program Manager/Assistant Branch Chief for the Kansas City District Corps of Engineers, added that the consent decree works toward the goal of the Clean Water Act: "To restore and maintain the chemical, physical, and biological integrity of the nation's waters." Under federal law, Frazier explained, the Corps of Engineers is authorized to issue permits for discharges of dredge or fill material into waters of the United States.

"This balanced resolution is representative of the Corps Regulatory Program mission to provide the regulated public with fair and reasonable decisions," Frazier said. "We hope that other county governments will view this as an opportunity to enter into similar cooperative relationships with us that will prevent program violations and allow for efficient permit

determinations when work in the nation's waters is necessary. We are ready to meet with any local government entity to establish that relationship.”

Under the terms of the consent decree, Moniteau County will not conduct future in-stream gravel mining or stream bank stabilization activities without a permit from the Corps of Engineers. If there is any doubt whether an activity is prohibited by the Clean Water Act, county officials must contact the Corps of Engineers before beginning the activity.

Moniteau County also agrees to spend \$20,000 to \$25,000 over the next three years to install hardened, at-grade crossings where there are existing unimproved county road fords across waters.

During 2001, Moniteau County placed six turkey crates filled with rock, each crate approximately 15 feet long, four feet wide and seven feet high, into Splice Creek, in a continuous fashion, for the purpose of bank stabilization. Under the terms of the consent decree, Moniteau County will monitor the site and the condition of these turkey crates and perform regular detailed inspections, with reports to the Corps. If any of the crates collapse, fall into Splice Creek, lean or break open, the county will notify the Corps and secure approval to remove the crates and mitigate any adverse effects.

The consent decree also requires the county to provide the Corps of Engineers with advance notice of the time and place of any streambed gravel mining or bank stabilization activity that it undertakes for the next five years.

This civil case is being handled by Assistant U.S. Attorneys Charles Thomas Jane Pansing Brown. It was investigated by the U.S. Army Corps of Engineers.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at
www.usdoj.gov/usao/mow/index.html